

REMARKS

Applicants thank the Examiner for indicating that claim 10 would be allowable if rewritten in independent form.

Claims 1 and 15 have been amended. The subject matter of claim 10 has been incorporated into claim 1. Claim 15 has been amended to correct a minor typographical error. No new matter has been added. Claim 10 has been cancelled.

Claims 1-9 and 11-15 are pending.

DRAWINGS

The Examiner has objected to the drawings "because they fail to show reference numbers 705, 823 and 872 as described on page 7, line 18 and page 10, lines 6 and 12 respectively. See Office Action at p.2. Applicants have amended Figures 1 and 6 to depict reference numbers 705, 823 and 872. No new matter has been added. Applicants respectfully request the withdrawal of this objection.

CLAIM REJECTIONS

Rejection under 35 U.S.C. § 103

Ritter in view of Russell

The Examiner has rejected claims 1-3, 7-9 and 11-15 under 35 U.S.C. § 103(a) as being unpatentable over WO 99/51545 to Ritter et al. ("Ritter") in view of U.S. Patent No. 3,533,660 to Russell ("Russell")¹. See Office Action at p. 3. Claims 2-3, 7-9 and 11-15 depend from amended claim 1. Claim 1 has been amended to incorporate the allowable subject-matter of claim 10.

Claim 1 relates to an apparatus for use in a vermiculture plant that includes a treatment receptacle having a treatment chamber therein and a base upon which material within the treatment chamber is disposed, the receptacle being arranged so that when in use there is a space below the base, a harvester operable to extract material from the treatment chamber through the base and a collecting assembly including a flexible belt operatively connected to a rotatable drum so that it can be wound onto or drawn from the rotatable member, the belt being arranged so that it can adopt a collecting position when at least partially unwound from the rotatable member

¹ The Examiner refers to Thomas et al. on pages 5 and 6 of the Office Action. Applicants believe that the reference to Thomas et al. was in error and that Examiner intended to refer to Ritter et al.

wherein it is positioned below the treatment chamber and harvester so that harvested material can be collected upon it, the belt being operable so that when the belt is wound onto the rotatable member material thereon can be transferred to a discharge zone, the apparatus further including a feed system, the feed system including a material distributor assembly for distributing the material into the treatment chamber, the distributor assembly including a distributor conveyor which is adapted to be wound onto or from a rotatable member, the assembly further including a carriage which is adapted to traverse over the top of the treatment chamber, the carriage including an idler roller thereon over which the distributor conveyor passes with its free end being anchored to a fixed structure.

None of the above references, alone or in combination, teach or suggest an apparatus for use in a vermiculture plant that includes a feed system, the feed system including a material distributor assembly for distributing the material into the treatment chamber, the distributor assembly including a distributor conveyor which is adapted to be wound onto or from a rotatable member, the assembly further including a carriage which is adapted to traverse over the top of the treatment chamber, the carriage including an idler roller thereon over which the distributor conveyor passes with its free end being anchored to a fixed structure.

Since claims 2-3, 7-9 and 11-15 depend on claim 1, claims 2-3, 7-9 and 11-15 are patentable over the combination of Ritter and Russell for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Ritter and Russell in view of Hoffman

The Examiner has rejected claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Ritter and Russell in view of U.S. Patent No. 5,431,289 to Hoffman ("Hoffman"). See Office Action at p. 8. Claims 4 and 5 depend from claim 1.

As previously described, Claim 1 has been amended to incorporate the allowable subject-matter of claim 10. None of the above references, alone or in combination, teach or suggest an apparatus for use in a vermiculture plant that includes a feed system, the feed system including a material distributor assembly for distributing the material into the treatment chamber, the distributor assembly including a distributor conveyor which is adapted to be wound onto or from a rotatable member, the assembly further including a carriage which is adapted to traverse over the top of the treatment chamber, the carriage including an idler roller thereon over which the distributor conveyor passes with its free end being anchored to a fixed structure.

Since claims 4-5 depend on claim 1, claims 4-5 are patentable over the combination of Ritter, Russell and Hoffman for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Ritter and Russell in view of Lux

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Ritter and Russell in view of U.S. Patent No. 4,310,414 to Lux ("Lux"). See Office Action at p. 9. Claim 6 depends from claim 1.

As previously described, Claim 1 has been amended to incorporate the allowable subject-matter of claim 10. None of the above references, alone or in combination, teach or suggest an apparatus for use in a vermiculture plant that includes a feed system, the feed system including a material distributor assembly for distributing the material into the treatment chamber, the distributor assembly including a distributor conveyor which is adapted to be wound onto or from a rotatable member, the assembly further including a carriage which is adapted to traverse over the top of the treatment chamber, the carriage including an idler roller thereon over which the distributor conveyor passes with its free end being anchored to a fixed structure.

Since claim 6 depends on claim 1, claim 6 is patentable over the combination of Ritter, Russell and Lux for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION


Applicant believes that the claims are in condition for allowance.

A petition for a one month extension of time is attached.

Should any fees be required by the present Reply, the Commissioner is hereby authorized to charge Deposit Account 19-4293.

Respectfully submitted,

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